

Application No. 09/715878
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Amendment
Attorney Docket No. S63.2P-10978-US02

REMARKS

This Amendment is in response to the Office Action dated October 4, 2004. Each issue is discussed below.

§102 Rejections

(4)

Claims 1, 2 and 18 were rejected under 35 USC §102(b) as being anticipated by Lauterjung (5630829). In regard to claim 1, it is asserted in the official action that Lauterjung discloses a stent comprising: A plurality of expandable tubular members (figs. 1 and 5), each member being composed of a continuous wire element forming a plurality of wave segments, each segment containing a pair of opposite looped peaks (16, 18) and having a wave shape such that, in the stent's expanded state, the distance between adjacent sides of a wave on-proceeding from a peak toward opposite peaks (16, 18), increases monotonically with an inflection point (20) there between, and in the stent's contracted state, the distance between adjacent sides of a wave is a minimum at a point intermediate opposite peaks (col. 5, lines 36-67 and col. 6, lines 18-51); axial connectors (80 or suturing as disclosed in cal. 9, lines 22-27) joining one or more confronting peaks of adjacent tubular member; wherein radial expansion of the stent from its contracted to its expanded state is accommodated by movement of adjacent wave-segment peaks away from one other without significant change in the axial dimension of the stent.

In regard to claim 18, it is further asserted in the official action that the sides have at least two inflection points (20, one for each).

It is further asserted in the official action that the introductory statement of intended use and all other functional statements have been carefully considered but are deemed not to impose any structural limitations on the claims distinguishable over the Lauterjung stent which is capable of being used as claimed if one desires to do so.

Although Applicant disagrees with the rejection, claim 1 has been amended to further distinguish it from the cited art. Withdrawal of the rejection is therefore respectfully requested.

§103 Rejections

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(6)

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lauterjung (5630829) in view of Lindenberg et al. (6053941). A full recitation of the rejection in detail can be found at numbered paragraph 6 of the official action.

Although Applicant disagrees with the rejection, claim 1, on which claim 5 is dependent, has been amended to further distinguish it, and therefore claim 5, from the cited art. Withdrawal of the rejection is therefore respectfully requested.

(7)

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lindenberg et al. (6053941) in view of Lauterjung (5630829). A full recitation of the rejection in detail can be found at numbered paragraph 7 of the official action.

Although Applicant disagrees with the rejection, claim 1, on which claims 2-5 are dependent, has been amended to further distinguish it, and therefore claims 2-5, from the cited art. Withdrawal of the rejection is therefore respectfully requested.

(8)

Claims 6-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lindenberg et al. '941 in view of Lauterjung '388 further in view of Pinchasik et al. (5,449,373). A full recitation of the rejection in detail can be found at numbered paragraph 8 of the official action.

Although Applicant disagrees with the rejection, claim 1, on which claims 6-7 are dependent, has been amended to further distinguish it, and therefore claims 6-7, from the cited art. Withdrawal of the rejection is therefore respectfully requested.

(9)

Claims 8-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Linderterg et al. '941 in view of Lauterjung '388 further in view of Pinchasik et al. '373 further in view of Ritchart et al. (4,994,069). A full recitation of the rejection in detail can be found at

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numbered paragraph 9 of the official action.

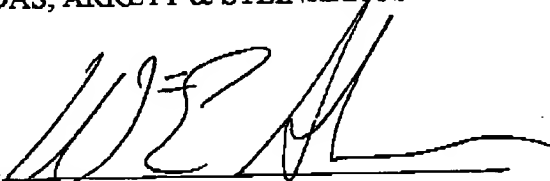
Although Applicant disagrees with the rejection, claim 1, on which claim 18 is dependent, and claim 13, on which claims 14-17 and 19 are dependent, have been amended to further distinguish them, and therefore claims 14-19, from the cited art. Withdrawal of the rejection is therefore respectfully requested.

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited. If the Examiner wishes to discuss further issues, he is invited to contact the undersigned.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS

Date: December 1, 2004

By.


William E. Anderson II
Registration No.: 37766

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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